IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3783 OF 2006.

Raju Avinash Pednekar. ... Applicant.

Versus.

Amit Ashok Chauhan & anr. ... Respondents.

Ms.Leena Patel holding for Shri Shailesh Kankariya for the Applicant.

Ms.Rupali D.Bhosale for the Respondent No.1.

Ms.S.V.Gajare, A.P.P. for the Respondent No.2-State.

CORAM : ABHAY S.OKA, J.

DATED : 20th October, 2006.

P.C.:

1. Rule. The Advocate for the 1st Respondent waives service. The learned A.P.P. waives service for the State. Taken for hearing forthwith.

2. The prayer in the application is for quashing the F.I.R. lodged by the 1st Respondent in the Shivaji Nagar Police Station alleging commission of offence under section 506-II of the Indian Penal Code against the Applicant. It is submitted that the F.I.R. is filed entirely on the basis of the civil dispute between the parties regarding possession of a canteen premises. The 1st Respondent has filed an affidavit-in-reply stating therein that the dispute between the Applicant and himself has been settled amicably and that the Applicant has paid him the compensation. In paragraphs 4, 7 and 8 of the reply, the 1st Respondent has stated thus:

4. The Applicant may be due to ill-advice by someone forced me to vacate the premises which I had taken from him on rental basis for a consideration of Rs.20,000/- per month.

7. I say and submit that the Applicant had paid me the compensation for the loss which I had suffered. We both stay in same area and I have seen that he is repenting for what he has done. As such, there remains no dispute between myself and Applicant who I believe will pursue the path of virtue.

8. With this, I request this Hon'ble Court to adopt a reformative approach in respect of the Applicant and pass appropriate order in the interest of justice.

3. Thus it is obvious that the F.I.R. was filed in respect of a civil dispute between the parties. In any case there is an amicable settlement between the parties and the continuation of criminal proceedings will cause harassment to both the parties. Hence this is a case where jurisdiction under section 482 of the Code of Criminal Procedure, 1973 is required to be exercised.

4. Rule is made absolute in terms of prayer clause (a) of the Application.

Judge.